

*Image*

*AF*

Atty. Dkt. No. 054270-0134



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: John WARMINGTON et al.

Title: DETECTION OF CANDIDA

Appl. No.: 09/841,188

Filing Date: 04/25/2001

Examiner: K. Shahnan Shah

Art Unit: 1645

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals from the decision of the Examiner finally rejecting Claims 18-37 in the Final Office Action dated July 10, 2003, and the Advisory Action mailed December 19, 2003 and faxed January 6, 2004.

Applicants claim small entity status.

Applicants hereby petition for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

Notice of Appeal Fee

To be paid as detailed below

Not required (Fee paid in prior appeal)

01/12/2004 CNGUYEN 00000115 09841188

01 FC:2253

420.00 OP

The required fees are calculated below:

[ X ]	Notice of Appeal Fee	\$330.00
[ X ]	Extension for response filed within the third month:	\$950.00
[ X ]	Extension Already Obtained for first month:	\$110.00
	FEE TOTAL:	\$1170.00
[ X ]	Small Entity Fees Apply (subtract ½ of above):	\$585.00
	TOTAL FEE:	\$585.00

- [ ] Please charge Deposit Account No. 19-0741 in the amount of \$585.00 . A duplicate copy of this transmittal is enclosed.
- [ X ] A check in the amount of \$585.00 is enclosed.
- [ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,



Date January 9, 2004

FOLEY & LARDNER  
 Washington Harbour  
 3000 K Street, N.W., Suite 500  
 Washington, D.C. 20007-5143  
 Telephone: (202) 672-5404  
 Facsimile: (202) 672-5399

Stephen A. Bent  
 Attorney for Applicants  
 Registration No. 29,768